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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,625	03/15/2001	Katsuto Tanaka	15162/03130	5443

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EXAMINER

NGUYEN, MICHELLE P

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/809,625

Examiner

Michelle Nguyen

Applicant(s)

TANAKA, KATSUTO

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-12 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claim 13 is objected to for the following reason:

(a) Claim 13 recites the limitation "wherein the objective optical system consists of three lens units" in line 9. Therefore, in line 12, "at least two succeeding lens units" should be --two succeeding lens units-- in order to be consistent with the claim language.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 13 is rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,104,532 to Kato.

With regard to claim 13, Kato discloses a real-image variable-magnification viewfinder comprising:

an objective optical system (first, second and third lens units G₁, G₂ and G₃, respectively) having a positive optical power, for forming a real image in an optical path (see Col. 3, lines 16-24, Figs. 4A, 4B, 4C);

an eyepiece optical system, having a positive optical power, for transmitting the real image formed by the objective optical system to a pupil of an observer (see Col. 3, lines 16-24); and

an erecting optical system, disposed in the optical path, for inverting the real image formed by the objective optical system (see Col. 3, lines 16-24),

wherein the objective optical system consists of three lens units arranged in the following order, from an object side of the objective optical system:

a first lens unit (lens unit G_1) (see Figs. 4A, 4B, 4C); and

at least two succeeding lens units (lens units G_1 , G_1) (see Figs. 4A, 4B, 4C),

wherein the first lens unit is moved to adjust dioptric power, and zooming is achieved by moving at least two of the succeeding lens units in such a way that magnification is variable within a range extending to both sides of unity magnification (see Col. 5, line 66 to Col. 6, line 4).

Allowable Subject Matter

4. Claims 1-4 are allowed.
5. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claim 1, the prior art does not teach in combination with all other limitations recited in the claim an objective optical system consisting of three lens units, wherein, as zooming is performed, a movement distance of a second lens unit over an

entire zoom range is greater than a movement distance of a third lens unit over the entire zoom range as set forth in the claim.

Claims 2-4 include all limitations set forth in claim 1.

Conclusion

6. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,256,144 to Kato teaches a first lens unit of an objective optical system to be moved for adjusting dioptric power.

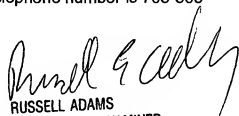
U.S. Patent No. 5,694,244 to Abe et al. teaches an objective optical system consisting of three lens units having a + - + arrangement.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Nguyen whose telephone number is 703-305-2771. The examiner can normally be reached on M-F 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

mpn
June 23, 2003


RUSSELL ADAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800